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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,310	12/02/2003	Jonathan T. Foote	FXPL-01059US0	5171
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FLIESLER MEYER LLP				
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EXAMINER				
GOODCHILD, WILLIAM J				
ART UNIT		PAPER NUMBER		
2145				
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10/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/727,310

**Applicant(s)**

FOOTE ET AL.

**Examiner**

WILLIAM J. GOODCHILD

**Art Unit**

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohtake et al., ("InfoStick: An interaction device for Inter-Appliance Computing"), (hereinafter Kohtake).

Regarding claims 22 and 31, Kohtake discloses transmitting a select signal to a first control device associated with a source device using an remote control [Section 2 InfoStick Device, paragraph 2 "get button"];

transmitting a pasted signal to a second control device associated with a sink device using the remote control [Section 2 InfoStick Device, paragraph 2 "put button"];

in response to the transmitting of the select and paste signals, transferring media data from the source device to the sink device [Section 2 InfoStick Device, paragraph 2 and paragraph 5];

Regarding claims 23 and 32, Kohtake further discloses the selecting of the media data includes pushing a select button and wherein the pasting includes pushing a paste button [Section 2 InfoStick Device, paragraph 2 “get / put button”].

Regarding claim 24, Kohtake further discloses displaying the media data at the sink device [Section 2 InfoStick Device, paragraph 4, lines 5-8].

Regarding claims 25 and 36, Kohtake further discloses the handheld controller is a six-degrees-of-freedom controller [Section 4.1 Hardware Architecture, paragraph 1].

Regarding claims 26 and 37, Kohtake further discloses the selected and paste signals are transmitted wirelessly to the first and second control devices [Section 2 InfoStick Device, paragraph 2, lines 6-7].

Regarding claims 27 and 38, Kohtake further discloses the source and sink devices are associated with predetermined control windows that help define whether the handheld controller is pointed at the source or sink device [Section 4.2 Software Architecture, paragraph 1].

Regarding claims 28 and 39, Kohtake further discloses the sink device is a media bus which acts as a media connection to another location [Section 3.5 Getting information from one object and Putting it into many objects, paragraph 1].

Regarding claim 29, Kohtake further discloses the media data is converted to a format desirable for the sink device [Section 3.4 Putting information onto paper, paragraph 1].

Regarding claim 30, Kohtake further discloses feedback is provided to a user when a selector paste signal is transmitted [Section 2 InfoStick Device, paragraph 2].

Regarding claims 33 and 40, Kohtake further discloses the logic includes a switching matrix [Section 4.2 Software Architecture, paragraph 1].

Regarding claim 34, Kohtake further discloses the logic includes a central controller [Figure 10 – controller].

Regarding claim 35, Kohtake further discloses the logic includes a format converter to convert the format of the media data [Section 3.5 Getting information from one object and Putting it into many objects, paragraph 1].

Regarding claim 41, Kohtake further discloses the network is the Internet [Section 2 InfoStick Device, paragraph 1].

***Response to Arguments***

1. Applicant's arguments filed 07/10/2008 have been fully considered but they are not persuasive.

A – Applicant argues “Kohtake does not disclose or suggest that the handheld controller produces controller position and orientation information.”.

A – Kohtake discloses position and orientation information [Kohtake, at least in paragraph 1, lines 7-8, “and can be easily pointed to target objects.”, paragraph 2, line 2, “in front of it (referring to infostick)”, paragraph 3, lines 3-4, “When a user points the InfoStick at a target object,”, paragraph 4, line 1, “When a user moves to another target, the InfoStick recognizes it”]. Orientation, as defined by a dictionary relates to an objects position relative to another object, pointing an object [infostick] at another object [VCR] would fit that definition.

***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is

(571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG  
09/29/2008

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145